

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, December 3, 2010
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairperson Jennifer L. Martin
Vice Chair Robert R. Woodhouse
Commissioner Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris

Director Larry D. Voyles
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals were legally noticed for this hearing.

Name	Docket #	Count	Conviction
Logan G. Formo	2010-0078	Count A:	Possess/Transport Unlawfully Taken W/L (Deer)
Robert A. Dozier	2010-0068	Count A:	Possess Unlawfully Taken W/L (Deer)
		Count B:	Take W/L During Closed Season (Deer)
Robert A. Dozier	2010-0083	Count A:	Possess Unlawfully Taken W/L (Deer)
George H. Waibel III	2010-0085	Count F:	Exceed Bag Limit (Mule Deer)
		Count H:	Unlawful Possession W/L (Mule Deer)
Paul D. Cox	2010-0086	Count A:	Take W/L Closed Season (Sheep)
		Count B:	Possess Unlawfully Taken W/L (Sheep)
		Count C:	Take W/L Without Valid License (Sheep)
Gilbert N. Watson	2010-0087	Count A:	Take W/L Closed Season (Turkey)
		Count B:	Take W/L Unlawful Method (Turkey)

Wayne R. Duba	2010-0088	Count A:	Take W/L W/I ¼ Mile of Residence (Elk)
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Wildlife Violator Compact

James Christensen	2010-0082	Failure to Comply New Mexico Citation
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Roll call was taken and the following were present: Logan Formo, George Waibel and Wayne Duba.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Logan G. Formo
Docket # 2010-0078

Formo was found guilty by the Mammoth Justice Court for: Count A: Possess/Transport Unlawfully Taken Wildlife (deer) and sentenced Count A: Fined \$537.00.

The case officer was available by phone.

Formo was present but did not address the Commission.

Chair Martin confirmed with Mr. Elms that the assessment for two two mule deer were for the pregnant doe and the unborn fawn.

Motion: Woodhouse moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF LOGAN G. FORMO TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST LOGAN G. FORMO TO COLLECT THE AMOUNT OF **\$3,000.00** FOR THE LOSS OF **TWO (2) MULE**

DEER AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

The Commission confirmed with Mr. Elms that the assessment amount could be paid fully by Mr. Formo or could be paid in any combination by Mr. Formo and two other persons related to this case (Dominic Rodriguez and Kyle Roan – these case are yet to come before the Commission), but that the amount of \$3000.00 would only be collected once.

Vote: Aye - Martin, Woodhouse, Freeman, Harris
Nay - Husted
Passed 4 to 1

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George H. Waibel
Docket # 2010-0085

Waibel was found guilty by the Eloy Justice Court for: Count F: Exceed Bag Limit (mule deer); and Count H: Unlawful Possession Wildlife (mule deer); and sentenced Counts F and H: Fined \$1000.00.

Waibel was present and addressed the Commission stating that he was ashamed and embarrassed to be before the Commission and apologized for what he did. He should have called the Game and Fish about the injured deer and he should have tagged the deer differently. He is a role model for his sons and he is ashamed of this.

Jim Belanjer, legal counsel for Mr. Waibel, addressed the Commission on Mr. Waibel's behalf and asked for leniency.

The following addressed the Commission in support of Mr. Waibel, testifying to his good character and asking for leniency

- Bart Honeycutt
- Mike Norris
- Greg Hogue

The Commission questioned Mr. Waibel about tagging of the injured deer. He thought he was tagging it with his 2007 deer tag but it was his 2007 turkey tag.

Commissioner Harris confirmed with Mr. Waibel that the deer he killed in 2008 was tagged with his 2008 deer tag and that he mailed in his survey but did not call it in because he didn't know he was supposed to.

Motion: Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **GEORGE H. WAIBEL** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF

THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GEORGE H. WAIBEL TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 4X3 MULE DEER BUCK AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chair Martin stated that she would vote nay on this because she believes Mr. Waibel made a mistake and is not a poacher that the Commission needs to get out of the field. She also believed that Mr. Waibel was an upstanding citizen in his community.

Commissioners Husted and Woodhouse concurred.

Motion: Husted moved and Martin seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO THREE YEARS INSTEAD OF FIVE YEARS.

Vote: Unanimous

Amended Motion: Harris moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GEORGE H. WAIBEL TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GEORGE H. WAIBEL TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 4X3 MULE DEER BUCK AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Wayne R. Duba
Docket # 2010-0088

Duba was found guilty by the Round Valley Justice Court for: Count A: Take Wildlife Within 1/4 Mile of Residence; and sentenced Count A: Fined \$130.40.

The Case Officer was available by phone.

Duba was present and addressed the Commission explaining the details of the circumstances related to his citation. He took several actions to avoid shooting near houses and to shoot safely. He did not have a range finder and thought he was 1/4 mile from any house. Even the Judge, knowing the area, believed he had done everything he could have done to avoid shooting near a house.

The Commission questioned Mr. Duba about the circumstances surrounding his hunt.

Commissioner Husted stated that he knows the area and a hunter has to shoot in the right direction and pass up opportunities in order to safely shoot in the right direction.

Chair Martin agreed and stated that Mr. Duba was someone who was looking at the back drop and really thinking through taking a safe shot.

The Commission was in consensus to take no action on this case.

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Robert A. Dozier

Docket # 2010-0068

Dozier was found guilty by the Cochise County Justice Court #2 for: Count A: Possess Unlawfully Taken Wildlife (trophy mule deer); Count B: Take Wildlife Closed Season (trophy mule deer); and sentenced Counts A and B: Fined \$924.00.

Dozier was not present.

Mr. Elms noted that Mr. Dozier was noticed for 10 years because this was his second take violation.

Motion: Freeman moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROBERT A. DOZIER TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ROBERT A. DOZIER TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) TROPHY MULE DEER AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Robert A. Dozier

Docket # 2010-0083

Dozier was found guilty by the Cochise County Justice Court for: Count A: Possess Unlawfully Taken Wildlife (white-tail deer); and sentenced Count A: Fined \$307.80.

Dozier was not present.

Motion: Harris moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROBERT A. DOZIER TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ROBERT A. DOZIER** TO COLLECT THE AMOUNT OF **\$8,000.00** FOR THE LOSS OF **ONE (1) 3X3 WHITE-TAIL DEER** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Paul D. Cox

Docket # 2010-0086

Mr. Elms presented to the Commission that Mr. Cox called three days ago and asked for an extension on this case.

Motion: Woodhouse moved and Freeman seconded THAT THE COMMISSION VOTE TO HEAR THIS CASE AT THE JANUARY 2011 COMMISSION MEETING.

Vote: Unanimous

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Gilbert N. Watson

Docket # 2010-0087

Watson was found guilty by the Show Low Justice Court for: Count A: Take Wildlife (turkey) During Closed Season; and Count B: Take Wildlife (turkey) by Unlawful Method; and sentenced Counts A and B: Fined \$750.00.

Watson was not present.

Motion: Harris moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GILBERT N. WATSON TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GILBERT N. WATSON TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) TURKEY AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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James Christensen
Docket #2010-0082

Pursuant to recent notice from the **State of New Mexico**, **James Christensen** has failed to appear in regards to a citation for the wildlife violation of: **Hunting/Fishing License Falsification**. Thus, **James Christensen** is to be considered for immediate suspension of any licenses to take wildlife in Arizona until such time as the **State of New Mexico** notifies the Department that he is in compliance with the terms of the original citation. This is in accord with the Wildlife Violator Compact for which the states of **New Mexico** and Arizona are participating members.

James Christensen was not present.

Motion: Husted moved and Freeman seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAMES CHRISTENSEN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE STATE OF NEW MEXICO FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECT'S COMPLIANCE WITH THE ORIGINAL CITATION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING

OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:13 p.m.

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